

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PETER ALEXANDER VARGA,

Case No. 2:18-cv-00548-GMN-GWF

Plaintiff,

V.

FINDLAY AUTOMOTIVE GROUP, *et al.*,

ORDER

Defendants.

This matter is before the Court on Plaintiff's Third Motion to Extend Service of Summons and Complaint Deadline (ECF No. 8), filed on December 26, 2018.

On September 5, 2018, the Court granted Plaintiff's second motion to extend service of summons and complaint deadline and Plaintiff had until November 23, 2018 to effectuate service. *See* ECF No. 6. Plaintiff requests a twenty (20) day extension of time to effectuate service. Plaintiff represents that there is a state court action against the Findlay Defendants that has the same or similar causes of action as this matter. He further represents that he filed this complaint in this district in order to maintain his claims in the event that his motion to amend complaint filed in the state court action was denied or only partially granted. In November 2018, the state court granted Plaintiff's motion to amend complaint. Plaintiff's counsel, however, has been unable to communicate with his client to review the proposed amended complaint.

Rule 4(m) of the Federal Rules of Civil Procedure – which governs the time limit of service – allows the court to grant an extension of time for service if the plaintiff can show good cause for the failure to timely serve a defendant. Pursuant to Local Rule (“LR”) IA 6-1, extensions of time may be granted for good cause shown. However, a request made after the expiration of the specified period will not be granted unless the movant or attorney demonstrates that the failure to file the motion before the deadline expired was the result of excusable neglect. LR IA 6-1(a).

1 Plaintiff filed his third motion for extension of time after expiration of the November 23, 2018
2 deadline to effectuate service and he failed to demonstrate that his untimely motion was the result
3 of excusable neglect. The Court, therefore, denies Plaintiff's request without prejudice. Plaintiff
4 may re-file his motion to extend to make a showing of excusable neglect. Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's Third Motion to Extend Service of Summons
6 and Complaint Deadline (ECF No. 8) is **denied**, without prejudice.

7 Dated this 2nd day of January, 2019.

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10 GEORGE FOLEY, JR.
11 UNITED STATES MAGISTRATE JUDGE
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